

1 THE HONORABLE KYMBERLY K. EVANSON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JAMON RIVIERA; CURTIS BANTA;
10 YONKMAN CONSTRUCTION, INC.; PARAS
HOMES, LLC; CONDRON HOMES, LLC;
11 GARCO CONSTRUCTION, INC.; ARLINGTON
360, LLC; HUSEBY HOMES, INC.; SPOKANE
HOME BUILDERS ASSOCIATION;
12 WASHINGTON STATE ASSOCIATION OF UA
PLUMBERS, PIPEFITTERS AND HVAC/R
13 SERVICE TECHNICIANS; LOCAL 32 OF UA
PLUMBERS, PIPEFITTERS AND HVAC/R
14 SERVICE TECHNICIANS; WASHINGTON
AND NORTHERN IDAHO DISTRICT
15 COUNCIL OF LABORERS; CITIZEN ACTION
DEFENSE FUND; NATIONAL PROPANE GAS
16 ASSOCIATION; AVISTA CORPORATION;
CASCADE NATURAL GAS CORPORATION;
17 and NORTHWEST NATURAL GAS
COMPANY,
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19 Plaintiffs,
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21 v.
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23 KJELL ANDERSON, JAY ARNOLD, TODD
BEYREUTHER, JUSTIN BOURGAULT,
DAIMON DOYLE, TOM HANDY, ANGELA
HAUPT, ROGER HEERINGA, MATTHEW
HEPNER, CRAIG HOLT, TYE MENSER,
BENJAMIN OMURA, PETER RIEKE, KATY
SHEEHAN, in their official capacities as
Washington State Building Code Council
Members; and BOB FERGUSON, in his official
capacity as Attorney General of Washington,
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Defendants.

Case No. 2:24-cv-00677-KKE

**JOINT MOTION TO MODIFY
BRIEFING SCHEDULE AND DATE
TO AMEND THE COMPLAINT**

NOTE ON MOTION CALENDAR:
July 30, 2024

JOINT MOTION TO MODIFY BRIEFING
SCHEDULE AND DATE TO AMEND THE
COMPLAINT - 1

132285.0009/9829521.1

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The parties jointly request to modify the briefing schedule on Defendants' Motion to Dismiss, Dkt. 42, as well as Plaintiffs' deadline to amend the complaint as a matter of course under Rule 15(a)(1). The parties previously stipulated to a schedule, and the Court entered an order on the stipulation. Dkt. 31. The stipulation contemplated that a further schedule change may be necessary. Given the arguments made in Defendants' Motion, Plaintiffs anticipate needing additional time to respond. Defendants do not oppose Plaintiffs' request. Accordingly, the parties request that the Court modify the briefing schedule and set the following dates:

Deadline to respond to Defendants' Motion to Dismiss: August 30, 2024

Deadline to amend the complaint as a matter of course: August 30, 2024

Deadline to reply in support of Defendants' Motion to Dismiss: September 13, 2024

The Local Rules permit the parties to adjust noting dates for motions. *See LCR 7(l).* To the extent that good cause is required under Rule 16(b)(4), the parties respectfully state that the changed dates will permit the issues to be fully briefed. The amended briefing schedule will also align the date to amend the complaint as a matter of course under Rule 15(a)(1)(B) with the deadline for the response brief, in accordance with the Local Civil Rules. *Compare Fed. R. Civ. P. 15(a)(1)(B)* (setting the deadline to amend as a matter of course as 21 days after service of a motion under Rule 12(b)), *with LCR 7(d)(4)* (setting the deadline to oppose a motion to dismiss as 21 days after the filing date of the motion).

JOINT MOTION TO MODIFY BRIEFING
SCHEDULE AND DATE TO AMEND THE
COMPLAINT - 2

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1 DATED: July 30, 2024

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27 JOINT MOTION TO MODIFY BRIEFING
SCHEDULE AND DATE TO AMEND THE
COMPLAINT - 3

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JOINT MOTION TO MODIFY BRIEFING
SCHEDULE AND DATE TO AMEND THE
COMPLAINT - 4

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